

COPY

Rec'd PCT/PTO**25 JUL 2005****10/509585**

ASSIGNMENT

[Entity]

Attorney Docket No.: 285-232
PCT US (186825/US/2)

Page 1 of 3

First Named Inventor: John Morris

Title: Method of Making Bone Particles

#4

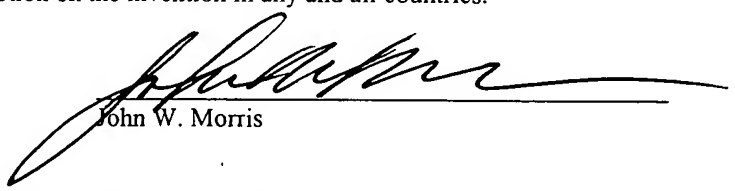
WHEREAS, I, John W. Morris, a resident of Beachwood, NJ 08722, and I, Kenneth C. Petersen, a resident of Brick, NJ 08724, and I, Lawrence A. Shimp, a resident of Morganville, NJ 07751, and I Mark P. Daugherty, a resident, of Allenwood, NJ 08722, have invented certain new and useful improvements as described in an application entitled **Method of Making Bone Particles** for Letters Patent of the United States, the application being identified by the Attorney Docket Number set forth above and/or being identified in the United States Patent and Trademark Office by Application No. 10/509,585 filed March 31, 2003; and

WHEREAS, Osteotech, Inc., a corporation organized and existing under the laws of the State of Delaware, and having offices at 51 James Way, Eatontown, NJ 07724 ("Assignee"), is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title, and interest in and to the invention, the above-identified patent application, corresponding domestic applications (including divisionals, continuations, and continuations-in-part), corresponding foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert this instrument the filing date and application number of the application when ascertained. I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.


John W. Morris

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF New Jersey)
: SS.COUNTY OF Monmouth)Subscribed and sworn to before me, a Notary Public, this 19th day of July, 2005.

Notary Public

VALERIE M. BROOKS
NOTARY PUBLIC OF NEW JERSEY
(SEAL) MY COMMISSION EXPIRES NOV. 4, 2007

ASSIGNMENT

[Entity]

Attorney Docket No.: 285-232
PCT US (186825/US/2)

Page 2 of 3

First Named Inventor: John Morris

Title: Method of Making Bone Particles



Kenneth C. Petersen

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF New Jersey)
COUNTY OF Monmouth) : SS.

Subscribed and sworn to before me, a Notary Public, this 19 day of July, 2005.

Valerie M. Brooks
Notary Public

VALERIE M. BROOKS
NOTARY PUBLIC OF NEW JERSEY
(SEAL) **MY COMMISSION EXPIRES NOV. 4, 2007**

Lawrence A. Shimp

Lawrence A. Shimp

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COUNTY OF Monmouth) : SS.

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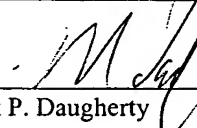
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Page 3 of 3

First Named Inventor: John Morris

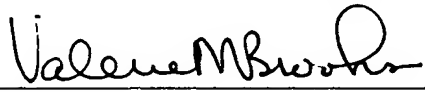
Title: Method of Making Bone Particles


Mark P. Daugherty

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF New Jersey)
COUNTY OF Morris) : SS.

Subscribed and sworn to before me, a Notary Public, this 20 day of July, 2005.


Notary Public

VALERIE M. BROOKS
NOTARY PUBLIC OF NEW JERSEY
(SEAL) **COMMISSION EXPIRES NOV. 4, 2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|--|
| First Named Inventor : John Morris Appln. No. : 10/509,585 Filing Date : March 31, 2003 Title : Method of Making Bone Particles | Group Art Unit: Unknown Examiner: Unknown |
|--|--|

DECLARATION FOR UTILITY PATENT APPLICATION
(37 C.F.R. § 1.63)

As a below named inventor, I hereby declare that my mailing address and citizenship are as stated below.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

Method of Making Bone Particles

the specification of which:

☐ is attached hereto OR

☒ was filed on March 31, 2003 as United States Application Number 10/509,585 or PCT International Application Number _____ and amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | Yes | No |
| PCT/US03/09878 | WO | 03/31/2003 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 60/368,645 | US | 03/29/2002 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

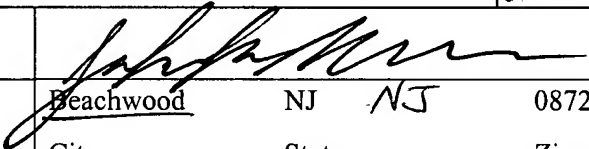
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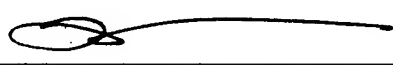
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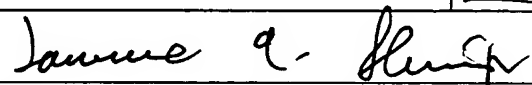
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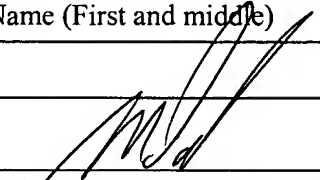
| | | | |
|-----------|---|------------------------------|--|
| Name | Kenneth E. Levitt | | |
| Address | DORSEY & WHITNEY LLP Intellectual Property Department Suite 1500 50 South Sixth Street Minneapolis, MN 55402-1498 | CUSTOMER NUMBER <u>25763</u> | |
| Telephone | 612-340-2755 | | |
| Fax | 612-340-8856 | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--------------------------------|--|------------------------|----------------------|
| Sole or First Inventor: | | | |
| Given Name (First and middle) | | Family Name or Surname | |
| <u>John W.</u> | | <u>Morris</u> | |
| Inventor's Signature |  | | Date: <u>7-19-05</u> |
| Residence | <u>Beachwood</u> NJ <u>NJ</u> 08722 | Citizenship: US | |
| | City State Zip | | |
| Post Office Address | 608 Beach Avenue | | |

| | | | |
|-------------------------------|---|------------------------|----------------------|
| Second Inventor: | | | |
| Given Name (First and middle) | | Family Name or Surname | |
| <u>Kenneth C.</u> | | <u>Petersen</u> | |
| Inventor's Signature |  | | Date: <u>7.19.05</u> |
| Residence | <u>Brick</u> NJ <u>NJ</u> 08724 | Citizenship: US | |
| | City State Zip | | |
| Post Office Address | 428 19 th Avenue | | |

| | | | |
|-------------------------------|---|------------------------|---------------|
| Third Inventor: | | | |
| Given Name (First and middle) | | Family Name or Surname | |
| Lawrence A. | | Shimp | |
| Inventor's Signature |  | | Date: 7/19/05 |
| Residence | Morganville | NJ NJ | 07751 |
| | City | State | Zip |
| Post Office Address | 313 Route 79 | | |

| | | | |
|-------------------------------|---|------------------------|---------------|
| Fourth Inventor: | | | |
| Given Name (First and middle) | | Family Name or Surname | |
| Mark P. | | Daugherty | |
| Inventor's Signature |  | | Date: 7/20/05 |
| Residence | Allenwood | NJ NJ | 08722 |
| | City | State | Zip |
| Post Office Address | 2122 Sawmill Lane | | |

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10/509585

Docket: 285-232 PCT US (186825/US/2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------|---------------------------------|-------------------------|
| First Named Inventor: | John Morris | |
| Appln. No.: | 10/509,585 | |
| Filing Date: | March 31, 2003 | Examiner: Unknown |
| Title: | Method of Making Bone Particles | Group Art Unit: Unknown |

POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In the above-referenced patent application, on behalf of Osteotech, Inc., I hereby appoint the Dorsey & Whitney LLP attorneys and agents associated with Customer Number 25763 to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution, and revocation.

Please address all telephone calls to: Kenneth E. Levitt at (612) 340-2755.

Please address all correspondence to Kenneth E. Levitt at the address corresponding to Customer Number 25763, currently:

DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, Minnesota 55402-1498

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of as evidenced by the accompanying Statement Under 37 C.F.R. 2.73(b).

Dated: 7/20/05

Signature: [Signature]

Name: MARK H. BURROUGHS

Title: VP Finance